

Mark A. Weisbart
Texas Bar No. 21102650
THE LAW OFFICE OF MARK A. WEISBART
12770 Coit Road, Suite 541
Dallas, Texas 75251
(972) 628-3694 Phone
(972) 628-3687 Fax
weisbartm@earthlink.net

CHAPTER 7 TRUSTEE

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE EASTERN DISTRICT OF TEXAS
SHERMAN DIVISION**

IN RE:

OPTOVISION TECHNOLOGIES, INC.

Debtor

Case No. 12-40701
Chapter 7

**FINAL APPLICATION OF TRUSTEE'S COUNSEL
FOR PAYMENT OF FEES AND EXPENSES**

NO HEARING WILL BE CONDUCTED ON THIS APPLICATION UNLESS A WRITTEN RESPONSE IS FILED WITH THE CLERK OF THE UNITED STATES BANKRUPTCY COURT, AND SERVED UPON THE PARTY FILING THIS PLEADING WITHIN TWENTY-ONE (21) DAYS FROM DATE OF SERVICE UNLESS THE COURT SHORTENS OR EXTENDS THE TIME FOR FILING SUCH REQUESTS FOR HEARING. THE COURT WILL THEREAFTER SET A HEARING. IF NO RESPONSE IS TIMELY SERVED AND FILED, THIS PLEADING SHALL BE DEEMED TO BE UNOPPOSED, AND THE COURT MAY ENTER AN ORDER GRANTING THE RELIEF SOUGHT. THE COURT RESERVES THE RIGHT TO SET A HEARING ON ANY MATTER.

COMES NOW, Mark A. Weisbart, Trustee, submitting this Final Application of Trustee's Counsel for Payment of Fees and Expenses, pursuant to Section 330 of the Bankruptcy Code, and, in support hereof, would show the Court as follows:

1. On March 20, 2012, a voluntary petition under Chapter 7 of the Bankruptcy Code was filed by the Debtor and Mark A. Weisbart was appointed as Trustee.
2. On May 9, 2012, the Court entered its Order Granting Application to Approve Employment of Mark A. Weisbart and his law firm (collectively "Counsel") as Counsel for the Trustee.

3. Pursuant to this Application, Counsel seeks fees totaling \$2,059.50 and expenses of \$174.45.

4. A copy of the billing statements of Counsel are attached hereto as Exhibit "A". Exhibit "A" sets forth on a daily basis the nature of the services rendered by Counsel, the date on which those services were performed, the attorney, paralegal or legal assistant who performed these services, and the amount of time dedicated to the particular service. Legal services performed by Mark A. Weisbart were performed in his capacity as his own attorney.

5. Professional fees incurred by counsel for a trustee are subject to the standards set forth in the case of *In Re: First Colonial Corp.*, 544 F.2d 1291, 1298-99 (5th Cir. 1977), cert. denied, 431 U.S. 904 (1977). Most of these factors, such as (i) the novelty or undesirability of the case, (ii) preclusion of other employment (iii) time limitations (iv) requisite skill required and (v) counsels reputation and ability did not present any unique circumstances or issues in this case. Two factors which are considered carefully are the results obtained in the case and time spent by counsel. Here, due in part to efforts of the Trustee and his professionals, Trustee collected approximately \$2,500.00 during the course of the case. The allowed unsecured claims in this case consist of creditors holding claims of \$218,245.01.

6. The current balance of funds on hand is \$1,686.91. During the course of the case the Trustee conducted an auction of hard assets which only generated approximately \$1,842.00 after deduction of the auctioneer's expenses. Trustee has contemporaneously with this Application filed a Notice of Abandonment of all other assets which consists of purported claims and causes of action. After consultation with the United States Trustee, and given the amount of claims in the case, the Trustee has determined a distribution would not be meaningful and will close the case if and once this Application is approved.

WHEREFORE, PREMISES CONSIDERED, Trustee requests upon appropriate notice and opportunity for hearing, this Court enter an order approving the First and Final Application of Trustee's Counsel for Payment of Fees and Reimbursement of Expenses and grant Counsel such other and further relief to which they are justly entitled.

Respectfully submitted,

/s/ Mark A. Weisbart

Mark A. Weisbart

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CHAPTER 7 TRUSTEE

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a copy of the foregoing instrument was served on the below individuals through the Court's electronic notification system as permitted by Appendix 5005 to the Local Rules of the U.S. Bankruptcy Court for the Eastern District of Texas, or by first class United States Mail, postage prepaid this 24th day of April, 2014.

Office of the U.S. Trustee
110 N College, Suite 300
Tyler, Texas 75702

Optovision Technologies, Inc.
2605 Anders Lane
Plano, TX 75093

Gregory T. Meyer
Meyer & Colegrove, PLLC
5700 Granite Parkway, Suite 470
Plano, TX 75024

American Express Travel Related Services Co Inc.
c/o Gilbert B. Weisman
Becket and Lee LLP
PO Box 3001
Malvern, PA 19355-0701

Dallas County
c/o Laurie Spindler Huffman
Linebarger, Goggan, Blair & Sampson
2777 N Stemmons Frwy, Ste 1000
Dallas, TX 75207

Jones and Mauldin Real Estate Partnerhsip, Ltd.
c/o Paul A. Hoffman
Paul A. Hoffman, P.C.
17772 Preston Road, Suite 102
Dallas, TX 75252

/s/ Mark A. Weisbart

Mark A. Weisbart

THE LAW OFFICE OF MARK A. WEISBART
ATTORNEY AT LAW
12770 Coit Road, Suite 541
Dallas, Texas 75251

Phone (972) 628-3694

weisbartm@earthlink.net

Fax (972) 628-3687

Optovision Technologies, Inc.

Invoice # 9910316

In Re: *Case No. 12-40701***Professional Services**

		<u>Hours</u>	<u>Amount</u>
4/17/2012 GRA	CASE ADMINISTRATION Listen to 341 recording (.5); draft motion to approve auctioneer, affidavit, proposed order, motion to sell, and proposed order (1.2)	1.70	\$476.00
4/18/2012 GRA	CASE ADMINISTRATION Review file, email Cindy to do application to employ law firm (.1); email Shattuck affidavit re his employment (.1)	0.20	\$56.00
4/19/2012 GRA	CASE ADMINISTRATION Revisions to Motion to Sell (.2)	0.20	\$56.00
4/23/2012 CD	CASE ADMINISTRATION Revise Motions, Affidavits and Orders to employ MAW and Shattuck; revise Motion and Order to Sell	1.00	\$95.00
4/27/2012 MAW	CASE ADMINISTRATION Telephone call with landlord's counsel re access for auctioneer, email to auctioneer re same	0.30	\$135.00
4/28/2012 MAW	CASE ADMINISTRATION Emails related to review of equipment	0.30	\$135.00
5/11/2012 MAW	CASE ADMINISTRATION Telephone call with Paul Hoffman	0.20	\$90.00

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		<u>Hours</u>	<u>Amount</u>
5/16/2012	MAW CASE ADMINISTRATION Telephone call with auctioneer re status	0.20	\$90.00
5/17/2012	MAW CASE ADMINISTRATION Emails to debtor's counsel	0.20	\$90.00
5/29/2012	CD CASE ADMINISTRATION Scan incoming documents	0.10	\$9.50
6/4/2012	CD CASE ADMINISTRATION Scan incoming documents	0.10	\$9.50
7/2/2012	CD CASE ADMINISTRATION Draft Report of Sale; Draft auctioneer fee application and order; call to auctioneer re: same; revise application and order	1.00	\$95.00
7/3/2012	CD CASE ADMINISTRATION Revise report of sale and auctioneer fee application and order	0.50	\$47.50
	MAW CASE ADMINISTRATION Review auctioneer related pleadings	0.30	\$135.00
8/13/2012	MAW CASE ADMINISTRATION Emails re status of loan	0.40	\$180.00
4/18/2014	MAW FEE APPLICATION Prepare fee application documents	0.50	\$225.00
	MAW CASE ADMINISTRATION Review file and prepare abandonment notice	0.30	\$135.00
	For professional services rendered	7.50	\$2,059.50

Additional Charges :

4/23/2012	MAW Copy Service Copies and mailout - motion to sell	58.15
4/21/2014	MAW Copy Service Copies and mailout - abandon notice	58.15

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	<u>Amount</u>
4/22/2014 MAW Copy Service	58.15
Copies and mailout - fee application	
Total costs	<u>\$174.45</u>
Total amount of this bill	<u>\$2,233.95</u>
Balance due	<u><u>\$2,233.95</u></u>

Timekeeper Summary

<u>Name</u>	<u>Hours</u>	<u>Rate</u>
Greg R. Arnove	2.10	280.00
Mark A. Weisbart	2.70	450.00
Cindy Davis	2.70	95.00